

Hand.

creating a first production service instance representing an action performed to process said transaction, said first production service instance being linked to said transaction instance by a first relation instance; and

creating a billing service instance representing a billing service related to a pricing of said first production service, said billing service being linked to said first production service instance by a second relation instance.

### REMARKS

Claims 47-86 are pending in this application.

Claims 47-67 are rejected "under 35 USC section 101 because they comprise an essential step of "creating a database"; this subject matter is non-statutory since this step comprises of a functional descriptive material (data structure per se)." Claim 1 has been amended to recite "creating a database in a computer readable medium." According to the USPTO Computer-Implemented Invention Guideline at page 9, "a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the medium which permit the data structure's functional to be realized, and is thus statutory." Accordingly, Claims 47-67 are allowable under 35 USC section 101.

Claims 47 and 68 are rejected under 35 USC section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner states, "The preamble of these claims should state "a method/data processing system for measuring cost of processing financial transactions..." instead of "a method/data processing system for pricing transactions..." because the claimed subject matter is too broad. Applicant respectfully submits that the Examiner is in error. The Specification at pages 15-25 clearly describes the present invention as providing an automatic method of pricing a transaction. Applicant believes the amendment suggested by the Examiner would not accurately claim Applicant's invention. Furthermore, the Specification at page 25, lines 18-19, states "those skilled in the art can define other transaction types." As stated in the Specification, the invention was never intended to be limited solely to financial transactions. Accordingly, Applicant believes the Claims 47 and 68

754671 v1 / PF-OA [Rev. 000913]

are not too broad and are supported by the Specification as filed. Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 USC section 112, second paragraph.

Claims 47-86 are rejected under 35 USC section 103(a) as being unpatentable over Claus et al., U.S. Patent 5,559,313, in view of Burt et al., U.S. Patent 5,682,482, further in view of Doktor, U.S. Patent 5,604,899, in view of Rothstein, U.S. Patent 5,636,117, in view of Claus et al., U.S. Patent 5,559,313, and further in view of Moore et al., U.S. Patent 5,630,127, further in view of the Official Notice. Applicant respectfully traverses.

Burt et al. disclose “operational support systems” which includes a plurality of support systems 14, one of which is a financial transaction system 32. Each of the support systems performs specific tasks. (See generally, col. 4, line 65, to col. 5, line 10.) For example, financial transaction system 32 is a support system that handles “financial tasks including charging and booking functions related to services that are provided by the network 10” (col. 5, lines 1-5). Communication among support systems 14 is through an operations gateway 50 which “responds to a predetermined protocol in taking responsibility for functions that need to be accomplished in order to support the providing of services by [a] network 10” (col. 5, lines 12-17). In other words, operations gateway 50 acts as a hub through which all communication must pass.

Financial transaction system 32 includes “a plurality of agent systems [, each] accomplish[ing] one or more of the functions initiated by an agent”, col. 5, lines 55-60. Burt et al. described how an agent system accomplishes, for example, a charging function by stating “connection management agents make sure that the charging agent 244 receives the necessary specific information to rate the resources used by one or more fulfillment agents”, col. 21, lines 55-59. Charging agent 244 is in the connection instance layer which “relates to basic communication transported signalling ... and communicating resources (e.g. operating systems, GUIs, network services, runtime libraries)”, col. 8, lines 23-29. Burt et al do not disclose or suggest a database, contrary to Claim 47, which recites “creating a database.”

In addition, Burt et al. do not disclose or suggest creating any set of related records in a database to allow pricing of a transaction. Hence, no corresponding transaction instance, “production service instant,” and “billing service instance” are created for a transaction. It

LAW OFFICES OF  
SKJERNEN MORRILL  
MACPHERSON LLP

25 METRO DRIVE  
SUITE 700  
SAN JOSE, CA 95110  
(408) 453-9200  
FAX (408) 453-7979

follows that Burt et al. also fail to disclose “said production service instance being linked to said transaction instance by a first relation instance” and “said billing service instance being linked to said first production service instance by a second relation instance,” as recited in Claim 47, as is acknowledged by the Examiner in the Office Action.

The Examiner argues “Doktor obviously suggests these above steps (see “899 Claims 1, 6-7, Figs. 4a-4b, 6b, 10 or, ’482, Fig. 5, Col. 30, lines 7-16”).” Applicant respectfully submits that none of the above cited sections of Doktor disclose the above limitations. Doktor describes in general terms a method of constructing a relational database system but does not describe a method of pricing a transaction. For example, Doktor provides “a database system which is capable of storing voluminous amounts of information, sifting through the information at high speed, and is, at the same time, easily expandable or destructable to take on new forms of entities in relationships”, col. 6, lines 49-54. Doktor fails to teach or suggest “creating a transaction instance corresponding to a transaction; creating a first production service instance . . . linked to said transaction instance by a first relation instance; and creating a billing service instance . . . linked to said first production service instance by a second relation instance” as recited in Claim 47.

The Examiner did not in the Office Action describe any contribution of Claus et al. Applicant respectfully submits that Claus et al. do not remedy the deficiencies of Doktor and Burt et al.

Since none of Burt et al., Doktor, and Claus et al. teach “creating a transaction instance corresponding to a transaction; creating a first production service instance . . . linked to said transaction instance by a first relation instance; and creating a billing service instance . . . linked to said first production service instance by a second relation instance” as recited in Claim 47, the combination of these references also fails to teach or suggest these limitations of Claim 47. Accordingly, Claim 47 is patentable over the combination of Burt et al., Doktor, and Claus et al. Claims 48-67 depend from Claim 47 and are therefore allowable for at least the reasons stated for Claim 47.

Independent Claim 68 recites a database data processing system that comprises a means for creating a transaction instance, a means for creating a production service instance, and the linking between the two instances. Thus, Claim 68 is patentable over the combination

of Burt et al., Doktor, and Claus et al. Claims 69-86 depend from Claim 68 and are therefore allowable for at least the same reasons.

Claim 55 is rejected under 35 U.S.C. §103(a) as being unpatentable over Burt et al., Doktor, and Claus et al., and further in view of Rothstein (U.S. Patent No. 5,636,117). As set forth above, Claim 47 is allowable over Burt et al., Doktor, and Claus et al. Rothstein does not cure the previously described deficiencies of Burt et al., Doktor, and Claus et al. Therefore, Claim 47 is patentable over Rothstein. Claim 55 depends from Claim 47 and is patentable for at least the reasons stated for Claim 47.

Claims 48-51, 58, 69-75, 78, and 83 are rejected under 35 U.S.C. §103(a) as being unpatentable over Burt et al., Doktor, and Claus et al., and further in view of Moore et al. (U.S. patent No. 5,630,127). As set forth above, Claims 47 and 68 are allowable over Burt et al., Doktor, and Claus et al. Moore et al. do not cure the previously described deficiencies of Burt et al., Doktor, and Claus et al. Therefore, Claims 47 and 68 are patentable over Moore et al. Claims 48-51 and 58 depend from Claim 47 and Claims 69-75, 78, and 83 depend from Claim 68, and are patentable for at least the reasons stated for Claims 47 and 68, respectively.

The Examiner states:

[t]he Official Notice is taken here that these following definitions suggested in the claims are well-known:

- an entity instance could be defined as a client instance . . . ;
- an entity instance could be defined as a market segment instance . . . .

The Examiner submits that all claimed limitations are inherent/notoriously well-known as instances for pricing transactions always “link” to related objects in computer-related applications, because these claimed limitations are very broad that they are easily recognized by artisan in the art [sic] to be implemented in a computer system via software programs; cited prior art’s limitations are not necessary spelled-out exactly claimed languages [sic].”

Applicant respectfully traverses the Examiner’s assertion that the definitions recited above by the Examiner are well known, and respectfully requests that the Examiner “cite a reference in support of his . . . position” that these definitions are well known, as required by MPEP section 2144.03. Applicant also disagrees with the Examiner that “all claimed limitations are inherent/notoriously well-known” as Applicant has demonstrated above how the references cited by the Examiner all fail to teach all of the limitations of Claims 47-86.

LAW OFFICES OF  
SKJERVEN MORRILL  
MACPHERSON LLP

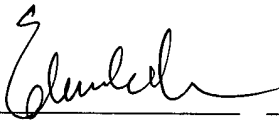
25 METRO DRIVE  
SUITE 700  
SAN JOSE, CA 95110  
(408) 453-9200  
FAX (408) 453-7979

Accordingly, Applicant requests reconsideration and withdrawal of the rejections of Claims 47-86 under 35 U.S.C. §103(a).

### CONCLUSION

Applicant respectfully submits that Claims 47-86 are now in condition for allowance and respectfully requests allowance of those claims. Should the Examiner have any questions, he is invited to telephone the undersigned at 408-453-9200.

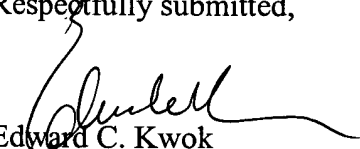
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on June 8, 2001.

 6/8/2001

Attorney for Applicant

Date of Signature

Respectfully submitted,

  
Edward C. Kwok  
Attorney for Applicant  
Reg. No. 33,938

408-392-9250

LAW OFFICES OF  
SKJERVEN MORRILL  
MACPHERSON LLP

25 METRO DRIVE  
SUITE 700  
SAN JOSE, CA 95110  
(408) 453-9200  
FAX (408) 453-7979

ATTACHMENT A

47. (Amended) In a computer system, a method for pricing transactions, said method comprising:

creating a database in a computer-readable medium, wherein creating a database comprises [comprising]:

creating a transaction instance corresponding to a transaction;

creating a first production service instance representing an action performed to process said transaction, said first production service instance being linked to said transaction instance by a first relation instance; and

creating a billing service instance representing a billing service related to a pricing of said first production service, said billing service being linked to said first production service instance by a second relation instance.

LAW OFFICES OF  
SKJERVEN MORRILL  
MACPHERSON LLP

25 METRO DRIVE  
SUITE 700  
SAN JOSE, CA 95110  
(408) 453-9200  
FAX (408) 453-7979